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LETTER DATED 15 SEPTEMBER 1997 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I am writing to you in order to present the views of my delegation on the "Report of the activities of the United Nations Command for 1996" circulated as a document of the Security Council (S/1997/596) on 31 July 1997.

In that report, the United States totally distorted and concocted the facts, as if the responsibility for the paralysed Korean armistice system lay with the Democratic People's Republic of Korea (DPRK).

The full responsibility for the paralysed Korean armistice system lies with the United States, not the DPRK.

The following several cases testify to the deliberate and systematic attempts by the United States to paralyse the Korean armistice system.

Subparagraphs 13 (c) and (d) of the Korean Armistice Agreement were originally intended to provide for cessation of the introduction into Korea of reinforcing military personnel, combat aircraft, armoured vehicles, weapons and ammunition, for the purpose of preventing the build-up of armed forces and eliminating the source of recurrence of a war.

Those provisions were, in their true senses, the core in guaranteeing practically the maintenance of the armistice and clarifying the purposes and missions of the Armistice Agreement.

However, no sooner had the United States side signed the Armistice Agreement, than it introduced a huge quantity of combat matériel and weapons into south Korea, despicably dodging the inspections by the Armistice supervisory body.

The United States side disassembled 106 mortars and 38 B-26 combat aircraft before introducing them into south Korea on 20 July 1953 and 31 July 1953 respectively in the form of the knocked-down parts or spare parts packed in crates under the disguise of "supplies for PX", only to be detected afterwards and disclosed to the world.

This despicable introduction by the United States into south Korea of military equipment continued during the eight-month period following the conclusion of the Armistice Agreement up until 15 April 1954. Of that equipment, the Neutral Nations Inspection Teams (NNIT) only detected 177 combat aircraft, 465 artillery guns of various calibres, 6,400 rocket launchers of various calibres, 145 mortars of various calibres and 1,365 machine-guns of various calibres.

Since the NNIT appeared to be placing obstacles in the way of its war preparations, the United States side attempted to obstruct the NNIT activities in every way and announced at the 70th meeting of the Military Armistice Commission on 30 May 1956 that all the NNIT members must be withdrawn from the ports of entry in the south within a week.

Thus, the NNIT members posted at the ports of entry in the south were forcibly expelled on 9 June 1956.

Since then, the Neutral Nations Supervisory Commission (NNSC), which had been conducting, through the NNIT, supervision and inspection of the introduction of military personnel and equipment, has been unable to carry out its mission. The NNSC thus had been placed in a functional paralysis.

Worse still, the United States side declared at the 75th meeting of the Military Armistice Commission that it would unilaterally abrogate subparagraph 13 (d) of the Armistice Agreement and would not submit annual reports concerning the replacement of the combat matériel.

Consequently, the Armistice Agreement has become de facto nominal, void of any legal guarantee for preventing the recurrence of a war and, in turn, the NNSC has been left with no mandate at all.

The United States cannot evade the responsibility for destroying the Military Armistice Commission.

The United States side, after making all its attempts to hamper the regular activities of the Military Armistice Commission, on 25 March 1991, designated a south Korean army officer as its "senior member" to the Military Armistice Commission, a position for which he had neither the qualifications nor the legal authority at all.

Despite repeated principled demands and warnings against it on the part of the DPRK, the United States side refused to withdraw its designation, thus completely paralysing the normal functioning of the armistice mechanism.

It is natural indeed, both from the legal point of view and in practical terms, that a senior member to the Military Armistice Commission should be designated by the actual party which has full authority and qualifications as a representative responsible for supervising the implementation of the Armistice Agreement and settling problems arising therefrom.

It is crystal clear to everyone that south Korea cannot be represented in the Military Armistice Agreement because it was a bitter opponent of the

conclusion of the Armistice Agreement and moreover because it neither joined the "United Nations Command" nor was a signatory to the Armistice Agreement.

This notwithstanding, the designation of a south Korean officer as a senior member of the Military Armistice Commission could by no means be interpreted as a senseless act in disregard of the fundamental principles of international law, an open challenge to a signatory to the Armistice Agreement and an impertinent act destroying the Armistice Agreement as well.

Since the Military Armistice Commission had ceased to exist the NNSC could likewise no longer carry out its functions.

Accordingly, the NNSC, which was already in a functional paralysis because of the abrogated provisions regarding its functions as specified in the Armistice Agreement, had to cease its existence. It was therefore inevitable that the NNSC member States had to withdraw their delegates as a matter of course.

As all these facts testify, the responsibility for the complete paralysis of the Korea Armistice Agreement lies entirely with the United States. The United States cannot evade this responsibility.

The United Nations should pay due attention to the continuous imprudent noises of war, military provocations and their consequent dangers on the Korean peninsula, in which the two hostile sides are confronting each other acutely with their huge armed forces along the Military Demarcation Line.

Furthermore, it cannot go unnoticed that though the situation on the Korean peninsula is so tense that even a minor accident can easily spread into an all-out war because of the paralysed old armistice system, there still remains a vacuum that has no mechanism for preventing such an accident.

Under such circumstances, the DPRK long ago put forward to the United States side a proposal that senior military officers of both sides sit down face to face to negotiate the establishment of a new mechanism in conformity with the actual situation in order to deter dangerous situations from arising, and has been waiting with patience for positive response.

The DPRK believes that it is only negotiations of this kind that are the key to resolving all the relevant issues.

The United States should refrain from an act of reversing black and white while resorting to the trickery of shifting the responsibility for its wrongdoing to others and respond with a sincere attitude to the DPRK's proposal.

I would be grateful if you would have the text of the present letter circulated as a document of the Security Council.

(Signed) KIM Hyong U
Ambassador Extraordinary and Plenipotentiary
Permanent Representative